

January 3, 2025

VIA ECF

The Honorable Dale E. Ho
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Ilyasah Shabazz et al, v. United States of America et al.*,
No. 24-cv-08680 (DH)

Dear Judge Ho,

Plaintiffs Ilyasah Shabazz, as Administrator of the Estate of Malik El-Shabazz, also known as Malcolm X, and, in their individual capacities, Ilyasah Shabazz, Gamilah-Lamumba Shabazz, and Malaak Shabazz (hereinafter, the “Plaintiffs”), write in response to the Court’s December 31, 2024 Order (Dkt. No. 24) requesting a response to Defendant City of New York (“City”) and Defendant United States of America (“USA”)’s request to adjourn the initial conference currently scheduled for January 7, 2025 (the “Initial Conference”). Plaintiffs consented to a brief adjournment to the week of January 13, 2025.

By way of background, Plaintiffs filed this case on November 15, 2024. On November 21, 2024, the Court issued the Initial Conference Order requiring the Parties to meet and confer and file a joint letter in advance of the Initial Conference (Dkt. No. 11). Plaintiffs timely served the Summons, Complaint, and Initial Conference Order on the Defendant City (Dkt. No. 19) and the Defendant USA (Dkt. No. 20) on December 6, 2024. The Plaintiffs continue the process of searching for and serving all individual defendants. The Plaintiffs met with the Defendant USA on December 16 and December 31 and the Defendant City on December 27 in an effort to submit a joint letter in advance of the January 7, 2025 conference. Plaintiffs provided the draft joint letter to Defendants City and USA on December 30, 2024.

On December 30, 2024, after receiving the draft joint letter, the Defendant City requested an adjournment of the Initial Conference and informed Plaintiffs that the Defendant USA was consenting to the request. Because Plaintiffs have served the relevant papers and prepared the joint letter, and in an effort to move this important case forward, Plaintiffs consented to a brief adjournment of the Initial Conference to the week of January 13 but would not consent to the extension request to February 11, 2024, the deadline for Defendants City and USA to answer or otherwise respond to the Complaint.

It is Plaintiffs’ positions that the reasons set forth in the Defendant City’s December 30 letter do not warrant a long adjournment of the Initial Conference. The City and USA have informed Plaintiffs that they are not prepared to accept service on the individual Defendants at this time. Plaintiffs are therefore in the process of finding and serving those individuals. Given the length of time the service might take, it would be expeditious for the served Defendants to begin

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the process of moving the case forward. As the served Defendants are the Parties that hold the most significant amount of discovery, much of which has been produced in other related cases, it appears now would be an appropriate time to appear before the Court. As for investigating the status of discovery in the related cases, Plaintiffs do not understand why that should cause delay in the instant case. Plaintiffs have provided both Defendants with the relevant docket numbers and this Court has only requested an update on any discovery exchanged in the present case, if any, for purposes of the joint letter. Here, no discovery has been exchanged to date. That Defendants are contemplating motions to dismiss should not be a reason to delay the Initial Conference in this matter. Further delay seems unwarranted where other cases have already engaged in significant discovery, progress, and even settlement. Given the above, Plaintiffs are seeking to move forward with the Initial Conference and discovery in this important and significant civil rights action.

We thank the Court in advance for its time and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Luna Droubi', with a stylized, flowing script.

Luna Droubi
On behalf of the Plaintiffs

cc: All Counsel (via ECF)